

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEATHER CRYSTAL WHITE,

Petitioner,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

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Case No. 2:21-cv-0451-RSP

MEMORANDUM ORDER

Currently before the Court is the Plaintiff's Unopposed Agreed Motion for Attorney Fees Under the Equal Access to Justice Act (Dkt. No. 18), filed by Petitioner on June 29, 2023. The motion seeks compensation of \$7,500 for attorney and paralegal fees, without costs due to Petitioner's IFP status. The motion represents that the Commissioner does not oppose the requested award of fees.

The Equal Access to Justice Act (EAJA), 28 U.S.C. §2412, allows a prevailing party in litigation against the United States, including a petitioner for Social Security benefits, to recover her attorney's fees "unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust." *Id.* at §2412 (d)(1)(a). The Supreme Court has explained that "EAJA fees are determined not by a percent of the amount recovered, but by the 'time expended' and the attorney's 'hourly rate,'" which is statutorily capped. *Gisbrecht v. Barnhart*, 535 U.S. 789, 794, 122 S.Ct. 1817, 152 L.Ed.2d 996 (2002). *See generally, Murkeldove v. Astrue*, 635 F.3d 784, 789 (5th Cir. 2011). The Commissioner does not contend, nor does the Court find, that the position of the government was substantially justified or that any special

circumstances exist rendering an award unjust. The Court finds that Petitioner's requested fee is not unreasonable and has been agreed to by the Commissioner.

Accordingly, IT IS ORDERED that Defendant will pay Petitioner \$7,500.00 in EAJA fees. In accordance with the Supreme Court's decision in *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010), this award will be payable to Petitioner, by delivery to his counsel of record, Christopher L. Coats, P.O. Box 836170, Richardson, TX 75083.

SIGNED this 30th day of June, 2023.



ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE